



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

GOBLE *et al.*

Atty. Ref.: 2558-78

Serial No.: 10/808,484

Group: 3743

Filed: March 25, 2004

Examiner: Patel, Nhir B.

For: AN ELECTROSURGICAL INSTRUMENT AND AN
ELECTROSURGERY SYSTEM INCLUDING SUCH AN INSTRUMENT

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December 12, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

In the Office Action dated October 25, 2005, the Examiner rejected claims 1 – 40 in the above-identified application based on the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 40 U.S. Patent No. 6,758,846. Submitted with this Response is a Terminal Disclaimer to overcome the double patenting rejection in the present application. With the filing of this Terminal Disclaimer this application should now be in condition for allowance, which action is earnestly solicited.

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A credit card form including the fee for filing this Terminal Disclaimer is enclosed. If there is a deficiency in the fee submitted, the Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1140.

Respectfully submitted,

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